
HB612 – Child Abuse and Neglect Pilot Project
Montana Supreme Court
August 2016

The 2015 Legislature created and funded a pilot project to provide an alternative means of settling child abuse and neglect cases. The Supreme Court Administrator, in partnership with the Department of Public Health and Human Services, is responsible for designing and managing the system.

Budget:

- \$300,000 OTO budget. Any funds remaining at the end of the biennium are reverted;
- The Judicial Branch must select a minimum of three pilot Judicial Districts (7 were selected) in which to offer the program; and
- The Judicial Branch must request on-going funding if performance measurements indicate the program can be successful.

Program Outline:

- Within two days of the removal of the children, the department can suggest the alternative resolution process to the parent(s);
- Parents receive a brochure about the program that provides in "plain language" how the process works and what they may gain and are waiving if agreeing to the alternative program;
- Assuming agreement from the parents, the case is assigned to a court mediator, who must – within 15 days – meet with the parents and social worker to create a treatment plan for returning the children home within six months; and
- Parties are not represented by attorneys in the mediation. The cases are not filed in District Court. Ultimately, a mediated case saves time for judges, public defenders and county attorneys.

Requirements:

- The department must select and refer appropriate cases;
- Cases must be resolvable in six months; generally would preclude cases where parents are struggling with a serious drug or alcohol addiction (such as methamphetamine);
- Parents must be able to knowingly consent to the waiver (this may preclude parents with significant, untreated mental health issues); and
- Cases in which the Indian Child Welfare Act applies are not eligible for the project because of certain federal statutes.

Progress to Date:

- One staff person manages the program including conducting any mediations;
- To date, very few referrals; so,
- Program needs to modified or changed.

Options:

- Using federal funds, the focus has switched to pre-hearing conferences – mediating treatment plans and bringing the agreements to court;
- Statutory changes in the next session to address problems in the current framework;
- Proposed a new structure to OPD this week, which would allow filed cases to move to diversion;
- Both the Judicial Branch and DPHHS are committed to making this work assuming appropriate cases can be identified;
- However, we are also committed to appropriate use of state resources;
- Continue to seek out cases and re-evaluate the program in December.

Montana District Courts

Child Abuse and Neglect Cases

District	County / Court	2010	2011	2012	2013	2014	2015
1	Broadwater County District Court	1	2	2	5	7	4
	Lewis & Clark County District Court	40	62	85	83	103	137
	Subtotal	41	64	87	88	110	141
2	Butte-Silver Bow County District Court	50	55	52	67	75	107
	Subtotal	50	55	52	67	75	107
3	Anaconda-Deer Lodge County District Court	5	17	19	16	14	18
	Granite County District Court	6	5	6	3	4	3
	Powell County District Court	5	3	10	10	7	2
	Subtotal	16	25	35	29	25	23
4	Mineral County District Court	4	4	16	8	12	15
	Missoula County District Court	56	76	117	145	150	200
	Subtotal	60	80	133	153	162	215
5	Beaverhead County District Court	9	5	15	11	9	8
	Jefferson County District Court	7	6	3	7	2	12
	Madison County District Court	1	5	1	3	0	4
	Subtotal	17	16	19	21	11	24
6	Park County District Court	35	28	30	17	14	14
	Sweet Grass County District Court	2	4	0	0	1	2
	Subtotal	37	32	30	17	15	16
7	Dawson County District Court	25	14	14	27	17	18
	McCone County District Court	0	0	1	2	2	0
	Prairie County District Court	0	0	1	0	2	1
	Richland County District Court	4	10	13	11	10	18
	Wibaux County District Court	0	0	0	0	0	0
	Subtotal	29	24	29	40	31	37
8	Cascade County District Court	166	251	217	309	343	386
	Subtotal	166	251	217	309	343	386
9	Glacier County District Court	2	10	14	36	26	45
	Pondera County District Court	6	7	7	4	12	21
	Teton County District Court	7	11	12	1	5	17
	Toole County District Court	3	13	15	24	27	31
	Subtotal	18	41	48	65	70	114
10	Fergus County District Court	38	32	27	43	46	61

	Judith Basin County District Court	1	0	0	0	1	0
	Petroleum County District Court	0	0	0	1	1	0
	Subtotal	39	32	27	44	48	61
11	Flathead County District Court	87	77	117	92	90	146
	Subtotal	87	77	117	92	90	146
12	Chouteau County District Court	0	0	2	7	2	0
	Hill County District Court	27	51	69	49	37	85
	Liberty County District Court	0	4	0	3	2	0
	Subtotal	27	55	71	59	41	85
13	Yellowstone County District Court	143	185	303	266	223	512
	Subtotal	143	185	303	266	223	512
14	Golden Valley County District Court	0	0	7	0	0	0
	Meagher County District Court	0	3	1	0	0	1
	Musselshell County District Court	2	8	13	8	13	14
	Wheatland County District Court	2	4	3	2	5	4
	Subtotal	4	15	24	10	18	19
15	Daniels County District Court	3	0	7	0	2	1
	Roosevelt County District Court	9	2	6	2	2	3
	Sheridan County District Court	6	1	1	6	2	6
	Subtotal	18	3	14	8	6	10
16	Carter County District Court	0	0	0	0	1	0
	Custer County District Court	65	64	64	50	60	56
	Fallon County District Court	3	4	5	1	2	2
	Garfield County District Court	1	0	0	0	0	0
	Powder River County District Court	2	5	0	0	0	0
	Rosebud County District Court	21	15	10	11	14	23
	Treasure County District Court	0	1	0	0	0	0
	Subtotal	92	89	79	62	77	81
17	Blaine County District Court	1	0	15	7	7	4
	Phillips County District Court	0	11	12	1	11	17
	Valley County District Court	14	2	27	25	16	42
	Subtotal	15	13	54	33	34	63
18	Gallatin County District Court	40	37	52	45	63	71
	Subtotal	40	37	52	45	63	71
19	Lincoln County District Court	63	44	40	50	51	35
	Subtotal	63	44	40	50	51	35
20	Lake County District Court	8	24	11	11	34	54
	Sanders County District Court	16	6	4	13	11	15

		Subtotal	24	30	15	24	45	69
21	Ravalli County District Court		17	9	20	18	29	25
		Subtotal	17	9	20	18	29	25
22	Big Horn County District Court		19	27	17	21	34	52
	Carbon County District Court		7	4	6	6	3	9
	Stillwater County District Court		1	0	5	0	5	20
		Subtotal	27	31	28	27	42	81
		Grand Total	1030	1208	1494	1527	1609	2321